GENERAL AND REVENUE SECRETARIAT.

1909.-10
(S and A.)

(17)

File No. 141-09

Serial Nos. 15, 16.

Papers Filed.

Month May 1910.

SUBJECT.

Declines to reconsider the case of Abdul Hamid Khan of Sanjapur praying for the grant of a third portion of the pension out of the pension enjoyed by the late Habib Khan.

PREVIOUS REFERENCES.	LATER REFERENCES.
Pol: Pen file Sanjapur 143 of 9-92 VII.	

G.R.S.11] 190 9.

GENERAL AND REVENUE SECRETARIAT

(SM)

NOTES.

File No. 141

FILE HEADING.

Sanjafur Jaghir Family Pensions

From

Abdul Hamid Khan

No. Petn Dated 26-3-10 Received 28-3-10

Diary No. 2450 Enclos. 1 Spare Copies — Serial No. N

BRIEF ABSTRACT OF LETTER.

Prays that addl may be issued for the grant of a third portion of the pension out of the pension enjoyed by late Habib Khan

NOTES AND ORDERS.

N

The pension of Rs 5-13-1 p.m. enjoyed by late Abdul Habib Khan was ordered to be restored in the name of Rabia Khatun, the eldest of the two sisters of late Habib Khan the claim of the petitioner — Mohd Hamid Khan

NOTES—First sheet.

GPB—30,000—3-4-07.

G. R. S. 12]
General and Revenue Secretariat.

S&A File No. 141 of 1909

Serial No.

N

was also considered along with the other claimants. Please see S&A 92-08 (notes)
Draft submtd. to Genl Secy.
MM 1-4-10 mlk
mmk 1-4-10

W

Please put up the file relating to the disposal of the pensions on the death of Bidan Khan (father of Habeeb Khan)
cbz 8/4/10
Submtd with reference (W). 8.4.10
MM 14-4-10 mlk 10/4/10
Secretary) 10.4.10.

There is no reason to reconsider the order already passed. We have not been strictly adhering to the mahomedan law of succession in regard to these pensions.

5737 MM 14-4-10

Dewan
Dft approved cbz 23/4/10
Issued 28/4/10

NOTE.—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

S & a File No. 141 of 1909

Serial No.	
16	To Abdul Hameed Khan
	No. 5407 D 2-5-10
	informing that his case cannot
	be taken considered

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Re: refee:
Rs 1214 Rlcd 26.8.10

$3456

28.2.10

I

The Secretary to the Government
Revenue and General departments

Sir

The humble petition of Abdul Hameed Khan a political pensioner residing at Sarjapur Anekal Taluk Bangalore District.

Respectfully showeth.

1. That one Habeeb Khan a political pensioner aged about fifteen years died about one and a half year ago leaving petitioner and two others.

2. The petitioner is related to the deceased as a paternal grand father's brother's son. And on such entitled to 1/3rd share of all the deceased's properties.

3. That the petitioner filed a pittion in the Additional Munsiffs court Bangalore in Or. No. 28 909-10 to get 1/3rd share in all the properties of the deceased Habab Khan

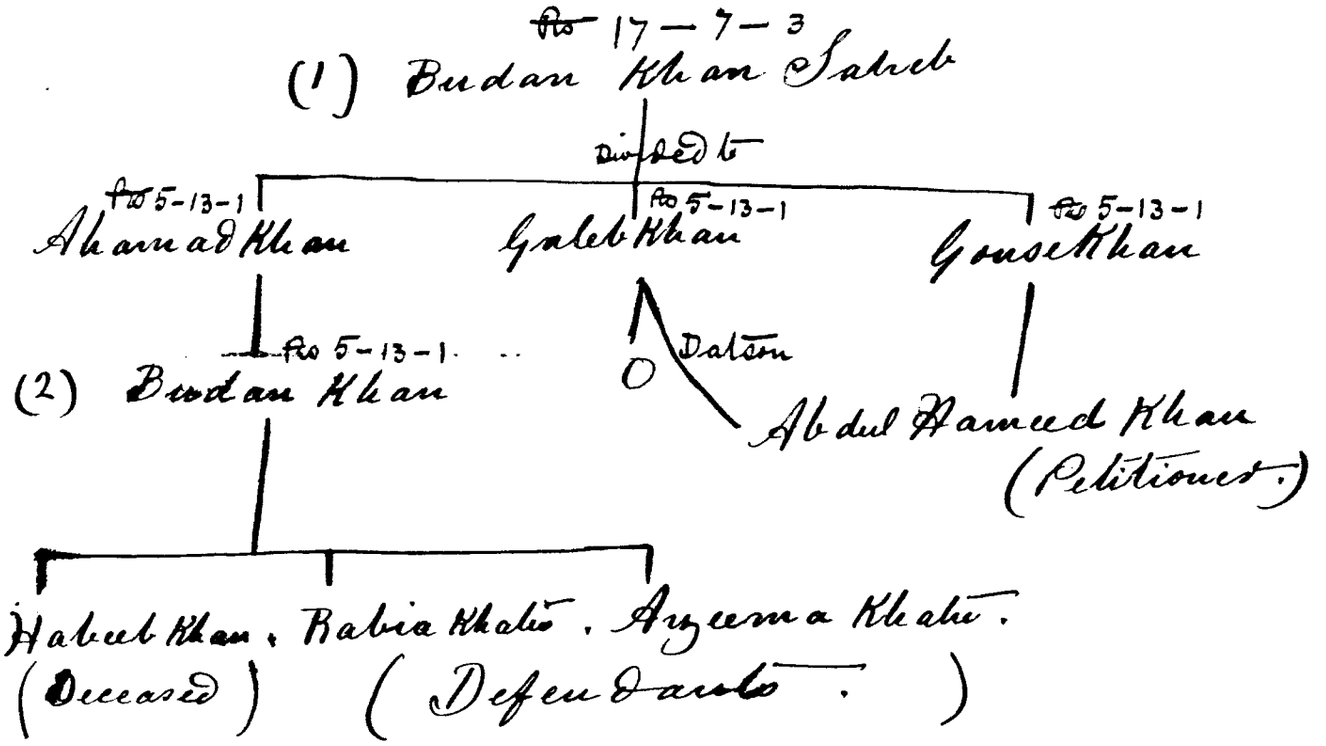
4. That court while admitting the relationship of the pititioner with the deceased Habab Khan gave him a judgment for 1/3rd share of all on properties as per copy herewith produced except the pension due to the deceased, for which the pititioner has been referred to the Government. Therefore the pititioner pray that out of pension of Rs Rs 5-13-1 due to the deceased Habeeb Kha 1/3rd of it may be ordered to be granted

to the

to the petitioner, for which act of kindness, the petitioner will be ever grateful. I beg to remain sir your most humble petitioner

S. J. Abdul Hameed Khan.
Sirajpur.

Dated 26-2-910.



In the Court of the Additional Munsiff
of Bangalore.

C.R. No. 648.

Original Suit No. 28 of 1909-1910

Dated Monday the 24th of January 1910

Present B. Ranga Iyengar Esquire B.A. B.L.
Additional Munsiff.

Plaintiff vs Defendants.

Abdul Ameed Khan Sab. 1. Rukia Khatu.

2. Azima Khatu
minor by guardian
Gaus Khan.

Judgment.

1. The suit is for a share of some immovables and of a stipend

2. The plaint is as follows:- One Abdul Khan was a stipendiary of Sarjapur and was receiving Rupees 5-13-1 every month. He died about 10 months ago. The plaintiff is the son of the said Abdul Khan's paternal grandfather's brother. Abdul Khan died leaving

leaving no wife and children. The plaintiff and defendants are his only representatives. According to the Mahomadan law the plaintiff is entitled to 1/3rd share and the defendants to 2/3rd share in the stipend and also in the other immoveable properties left by Abdul Khan. The defendants failed to bring to the notice of the government the relationship of plaintiff to the deceased Abdul Khan and they are denying the plaintiff's right. The cause of action accrued in about April 1909. The plaintiff prays for a declaration and possession of 1/3rd share in the immoveable properties viz items 1, 2 and 3 of the plaint schedule and also of the stipend noted in item no: 4. The plaintiff also claims Rupees 20-13-9 as arrears of his share of the stipend.

3. The written statement of the

the defendant is as follows:- The civil court has no jurisdiction to entertain the suit with respect to the stipend in question. The plaintiff can claim no relief as his petition to the government for a share of the stipend has been rejected. The said stipend did not belong to deceased Abdul Khan. The defendants never obstructed the plaintiff from taking his share of the immoveable pro-perties in suit. If the court sees fit to direct a partition during 2nd defendant's minority, a division may be ordered. The defendant is not liable to the plaintiff's costs of this suit.

4. The plaint was filed on 12-7-1909 and written statement filed on 6-10-1909.

5. The suit came on for settlement of issues on 6-10-1909.

6. The following issues were settled:-

1. Is the suit maintainable with respect to a share of the stipend?

2. Is plaintiff entitled to get a share of the stipend?

7. The suit came on for final hearing on 19-1-1910.

8. The plaintiff neither examined any witness nor filed any exhibit.

9. Defendants examined the following witnesses:-.

1. Abdul Hameed Khan (plaintiff) and 2. Gouse Khan (Guardian of 2nd defendant).

10. The following exhibits was filed by defendants:-

I Endorsement dated 6-8-1909 sent to the 1st defendant by the Anekal Taluk Office.

11. Plaintiff sues for the recovery of 1/3rd share in certain immoveable properties and also 1/3rd share in the stipend granted by the Government to the defendants. The

plaintiff and defendants are said to be the legal representatives of de-ceased Abdul Khan, who is said to have died a few months ago. The defendants have no objection for plaintiff's taking 1/3rd share in the immovable properties in question The contention is only with respect to the monthly stipend of Rupees 5-13-1.

12. The plaintiff examined as the 1st witness for the defendants, says that a jahagir had been granted to the ancestors of Abdul Khan and that in course of time the lands were taken up by government and a monthly money grant was given instead. The jahagir, it is said, was given for military services rendered to the then Mogul Emperor. Thus the stipend in question is admittedly in the nature of a political pension possession. After the death of Abdul Khan the government

have thought fit to confer the pension on the defendants alone vide exhibit I. I do not think this court has jurisdiction to vary or set aside the order of the Government and to direct that plaintiff should be given 1/3rd share in the pension in question. The plaintiff has only to seek his remedy at the hands of the Government. If the Government does not think that plaintiff is entitled to the pension, this court cannot help him. It seems to be a matter entirely within the discretion of the Government.

13. My findings therefore are:- 1st issue. That the suit is not maintainable with respect to a shares of the stipend.

2nd issue. That the plaintiff is not entitled to get a share of the stipend.

14. As plaintiff's object in filing this suit is mainly to get a share of the stipend and as defendants have no objection to plaintiff's taking 1/3rd share in the immoveable properties, the defendants cannot be made liable for the costs of this suit incurred by plaintiff.

15. There will be a decree for plaintiff for partition and possession of 1/3rd share in items 1, 2 and 3 of the plaint schedule under the circumstances noted above each party will bear his or her own costs.

(Signed) B. Ranga Iyengar.

24-1-1910

Pronounced in open court.

(Initialled) B.R.

Additional Munsiff.

True copy

M. Narasimhaiyengar 24-1-1910

Head Munshi.

Date of application · 5-2-1910.

Date when fees called for. 7-2-10

Date when fees deposited. 8-2-10

Date when additional fees called for. } 2-0

Date when additional fees deposited. }

Date when copy was ready. [illegible]

Date when copy was delivered. [illegible]

No of words. 1105.

Copying. 1-0-0

Comparing. 0-4-0

Paper cost. 0-1-0

Total 1-5-0

J. Narainan Chetty.

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(9

G.R.S. 26]

141
File No. 09
Serial No. 16

29/4/10

Diary No. of letter replied to 3656

Dienst No. H. 5707

2 May 1910

General and Revenue Secretariat

SM

190

To,

Abdul Hameed Khan,
Sarjapur Jaghir Peishaer.
Sarjapur

Date of issue 2d May 1910

Signed by W Lakshmi Narasimhiah

With reference to his petition dt the 26-2-10 praying for the ~~Continuance of a pension~~ Grant to him of the pension enjoyed by late Abdul Habib Khan the petitioner is informed that Govt see no ground to reconsider the order rejecting his claim already passed in G.O. No H. 7274-5/SM 92-08 dt the 8th May 1909.

By order,

Secretary to Govt.

N

Title 27 Apr

1-4-10

SUBJECT.

over.

P.L. 30/4/10